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TRADEMARK OFFICE EMPLOYEE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38305-0017

Applicant(s):	Dennis JONES	Confirmation No.:
Appl. No.:	10/647,466	Examiner: WEIER, Anthony (parent case)
Filing Date:	August 26, 2003	Art Unit: 1761 (parent case)
Title:	CONFECTIONERY PRODUCT MADE OF PROTEIN AND CARBOHYDRATE MATERIALS PRESENT IN A RELATIVE WEIGHT RATIO HIGHER THAN 1	

**PROPRIETARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and MPEP §724**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



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Sir:

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP §724.02.

TIMING/FEE

The instant Proprietary Information Disclosure Statement is being filed in compliance with 37 CFR §1.97 prior to the mailing date of the first official action. No fee is believed to be due. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

RELEVANCE

The present application is a divisional of a continuation of an application that issued as U.S. Patent No. 6,299,929 B1 ("the '929 patent"). The '929 patent has been asserted against certain defendants (*Bariatix Products International, Inc. v. Elan Nutrition, LLC* (Case No. 1:02-CV-304) in the U.S. District Court, District of Vermont.) During litigation, the defendants alleged that the '929 patent was invalid on account of a sale made more than one year prior to the filing date of the '929 patent. Consequently, applicant submits herewith a copy of all the documents considered to be relevant to the transaction in question. Because most of the listed documents are the subject of a protective order entered by the U.S. District Court in the above-captioned case, the requirements for filing a Proprietary Information Disclosure Statement are satisfied.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicant does not waive any right to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

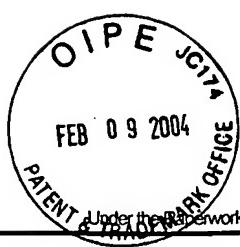
Respectfully submitted,

By 

Date: February 9, 2004

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Registration No. 33,683



PTO/SB/08B(10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1 of 2

Complete if Known

Application Number	10/647,466
Filing Date	August 26, 2003
First Named Inventor	Dennis JONES
Group Art Unit	1761 (parent)
Examiner Name	WEIER, Anthony (parent)

Attorney Docket Number 38305-0017

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

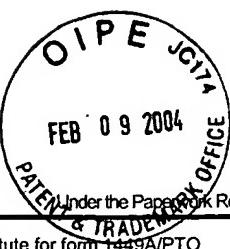
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Consultancy Agreement dated April 1, 1989	
	C2	Non-Disclosure Agreement dated May 18, 1989	
	C3	Facsimile from Dennis Jones to Mark Schmidt dated December 28, 1989	
	C4	Facsimile from Dennis Jones to Kathie Ferrie dated January 2, 1990	
	C5	Facsimile from Dennis Jones to Leslie Rose dated January 7, 1990	
	C6	Increda-Meal Bar Production Logo, April 1989 to December 1990	
	C7	Increda-Meal Invoice Log 1988-1990	
	C8	The Bariatrician Fall 1989 Cover and Bariatix Advertisement; The Bariatrician Winter 1990 Cover and Bariatix Advertisement	
	C9	Facsimile from Dennis Jones to Mark Schmidt dated January 7, 1990	
	C10	Facsimile from Dennis Jones to Christiane LeBlanc dated February 5, 1990	
	C11	Facsimile from Dennis Jones to Rick Manus dated February 5, 1990	

Examiner Signature

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C12	Facsimile from Dennis Jones to Rick Manus dated February 16, 1990	
	C13	Summary Report, Bar Manufacturing at Five Star Brands, March 2, 1990	
	C14	Facsimile from Dennis Jones to Christiane LeBlanc dated March 15, 1990	
	C15	Facsimile from Dennis Jones to Christiane LeBlanc dated March 21, 1990	
	C16	Facsimile from Dennis Jones to Mark Schmidt dated March 28, 1990	
	C17	Proti-Bar Formulation Changes dated March 28, 1990	
	C18	Report entitled "Update on Bar Matters" dated April 8, 1990	
	C19	Letter from Randall G. Litton to John M. Delahanty dated October 24, 2003	
	C20	Supplement to Defendant's Memorandum in Support of its Motion to Compel Plaintiff to Produce Information and Documents Responsive to Defendant's First and Second Requests for Production of Documents dated November 12, 2003	
	C21	Plaintiff's Cross-Motion to Compel and Opposition to Defendant's Motion to Compel dated November 17, 2003	

Examiner Signature	Date Considered
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